New Nouveau Brunswick CANADA

News Release

Communications New Brunswick

N. B. Human Rights Commission

Same-sex adoption allowed in New Brunswick (04/08/10)

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FREDERICTON (CNB) - A New Brunswick human rights Board of Inquiry issued a decision last week stating that a partner in a same-sex relationship can adopt the other partner's child and be named as one of its parents on the birth registration document. A Board of Inquiry is an independent administrative tribunal that can hear complaints filed under the Human Rights Act.

"I am very pleased with this decision," said Alanna Palmer, the Chair of the Human Rights Commission. "It is consistent with decisions elsewhere in Canada, and it shows that New Brunswick is making progress in advancing equality for same-sex families."

The decision arose out of a human rights complaint filed by a same-sex partner who claimed that the government had discriminated on the basis of sexual orientation and marital status when it refused to allow her to adopt her partner's child and to register the child with her surname and with her being named as a parent.

The Human Rights Commission investigated the complaint and attempted to conciliate it, but was unable to reach a settlement. The commission then recommended that the case be referred to the Board of Inquiry and presented the case at the human rights hearing.

The board said that birth registration and adoption are public services that are subject to the *Human Rights Act*, which prohibits discrimination based on sexual orientation and marital status. It also said that the Human Rights Act overrides the *Family Services Act* and the *Vital Statistics Act*. Thus, the government had discriminated against the couple when it refused to allow the adoption and registration as requested. It ordered the government to pay damages to the couple and to allow registration and adoption in similar cases in the future.

"Basically, this decision is about supporting families," Palmer said. "It gives a great deal more security and protection to children who would otherwise have only one legal parent. Family ties are strengthened when parents can participate meaningfully in the lives of their children. Allowing a second parent to assume the rights and responsibilities of parenthood strengthens family ties and so improves the child's sense of self and of having a rightful place in the world.

"I would also like to commend the government for its action last week granting same-sex partners survivor's benefits under the government's various pension plans. This another example of a right that opposite-sex couples take for granted."

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EDITOR'S NOTE: The full text of the decision is available from the Human Rights Commission.
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